REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1 and 3-36 are pending in the present application, Claim 1 having been amended, Claim 2 having been cancelled, and Claims 28-36 having been added by the present amendment.

In the outstanding Official Action, Claims 1-10 and 21-27 were rejected under 35 U.S.C. §112, first paragraph; Claims 1-5, 7-14, and 16-27 were rejected under 35 U.S.C. §103(a) as unpatentable over McCurdy et al. (U.S. Patent No. 5,053,762, hereinafter McCurdy) in view of Ho (U.S. Patent No. 5,909,207); and Claims 6 and 15 were rejected under 35 U.S.C. §103(a) as unpatentable over McCurdy in view of Ho, and further in view of Sarra (U.S. Patent No. 5,053,762).

Applicants acknowledge with appreciation the telephone interview between the Examiner and Applicants' representative on October 21, 2005. During the interview, the basis of the rejections under 35 U.S.C. § 112, first paragraph, were discussed in view of Figures 1A-1D (especially Figure 1D) and corresponding text at least on page 19. After explaining that objected term "displaying a speed of movement" corresponded to Applicants' disclosed display of a speed of page flipping (i.e., a speed of browsing) as indicated by a rate of flipping pages and/or a rate of change of a thickness indicator, the Examiner acknowledged that he had misinterpreted the claim limitations in question and agreed to withdraw all rejections under 35 U.S.C. § 112, first paragraph, based on the term "displaying a speed of movement" upon receipt of a formal response. However, to further clarify Applicants' invention, the term "movement" is replaced with the term "browsing."

After explaining that objected term "selectable flipping speed" corresponded to Applicants' disclosed ability to vary a speed of page flipping by holding a down a flipping

button, the Examiner agreed to withdraw all rejections under 35 U.S.C. § 112, first paragraph, based on the term "selectable flipping speed" upon receipt of a formal response. However, to further clarify Applicants' invention, the term "selectable" is replaced with the term "variable."

After explaining that objected term "advancing to a discrete content amount" corresponded to Applicants' disclosed advancing to a discrete portion of an electronic book, the Examiner agreed to withdraw all rejections under 35 U.S.C. § 112, first paragraph, based on this term upon receipt of a formal response. Further support for each of these features may be found at least in Figures 2-3 of U.S. Patent No. 6,407,757 (corresponding to Application Serial No. 08/992,793, incorporated by reference on page 1 of Applicants' originally filed specification).

During the interview, Applicants' representative indicated that McCurdy is not prior art under 35 U.S.C. §§ 102 or 103. That is, the present application claims priority to U.S. Patent Application Ser. No. 09/686,902, filed on October 12, 2000, which is before McCurdy's filing date of July 2, 2001. However, McCurdy claims priority to provisional application 60/215,683, filed on June 30, 2000. Therefore, Applicants file herewith a declaration under 37 C.F.R. § 1.131 which establishes a reduction to practice by Applicants prior to the June 30, 2000 filing date of the provisional application 60/215,683 by McCurdy. Thus, Applicants submit that McCurdy does not qualify as prior art under 35 U.S.C. § 102 or 103 and that all rejections in view of McCurdy are moot.

Also during the interview, pages 23-24 and 38-39 of Applicants' originally filed specification were compared with paragraphs 363-365 McCurdy in order to further distinguish Applicants' claimed invention from McCurdy. That is, as disclosed in Applicants' originally filed specification,[1] dynamic insertion provides the capability of

[1] Specification, page 23, line 1 – page 24, line 23.

changing/delivering ads while an eBook is being read and while the reader is online. In contrast, McCurdy only discloses producing a different magazine with different ads to be delivered to readers based on demographics or other information. That is, the dynamic nature of McCurdy concerns "customized magazines" that are produced first then delivered accordingly (for offline reading). In Applicants' invention, advertisements (and other contents) can change right in front of the users' eyes while they are reading the ads, because of dynamic insertion (while online). Thus, the Examiner indicated that amending the independent claims to recite "dynamically inserting" would likely distinguish over the McCurdy reference. However, in view of the fact that McCurdy is not prior art under 35 U.S.C. §§ 102 or 103, this point is moot. Instead, dependent Claims 28-33 are added to recite the feature of static and dynamic insertion discussed during the interview. Support for new Claims 28-33 is found in Applicants' originally filed specification.[2] No new matter is added.

New Claims 34-36 are directed to additional features disclosed in Applicants' originally filed specification.[3] No new matter is added.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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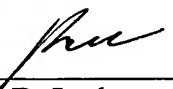

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[2] Specification, page 23, line 1 – page 25, line 9.
[3] Specification, Figures 2B-2C.